THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.12981 OF 1998

ORAL ORDER:

This writ petition is filed seeking a *mandamus* declaring the order passed by the 1st respondent-Director of Settlements, Andhra Pradesh, Hyderabad, dated 18.7.1996, as arbitrary and illegal.

The facts, in brief, are as under:

The father of the petitioners 1 and 3 by name Chalasani Mallikarjunudu along with one Akkineni Dhana Koteswara Rao, filed a Claim Petition for grant of ryotwari patta to an extent of Ac.6.72 cents situated in R.S.No.122 of Pothireddypally village, Nuziveedu Mandal, Krishna District. It was their case that the said land was jointly purchased by them. Initially, the Settlement Officer, Eluru, by order dated 20.11.1980, allowed the claim petition and granted ryotwari patta in favour of the claimants. However, on a Revision Petition filed by Tahsildar, Nuziveedu, the said order was set aside by the Director of Settlements, by order dated 18.7.1996, which is impugned in this writ petition.

The 1st petitioner herein claims to be the daughter of Chalasani Mallikarjunudu, whereas the 3rd respondent claims to be his son. It is pleaded that they acquired title to the property in question by virtue of a will dated 9-9-1991 executed by their father Chalasani Mallikarjunudu during his lifetime bequeathing his undivided share of Ac.3.36 cents of land in question in equal shares to the petitioners 1 and 3 herein.

It is primarily contended by the petitioners that the 1st respondent before passing the impugned order dated 18.7.1996 failed to give any notice to the petitioners and, consequently, they had no opportunity to putforth their case. It is contended that there was

absolutely no justifiable reason to set aside the well considered order passed by the 2nd respondent granting ryotwari patta in favour of their father Chalasani Mallikarjunudu, and that at any rate, since the impugned order was passed without notice to the persons holding title to the land in question, the same is liable to be set aside.

In response to *Rule nisi* ordered the 1st respondent filed a counter stating that notices dated 16.2.1996, 19.4.1996 and 28.6.1996 were issued to the counsel appearing for both Chalasani Mallikarjunudu and Akkineni Dhana Koteswara Rao, but there was no contest. It is also stated that as a matter of fact, the other claimant namely Akkineni Dhana Koteswara Rao, has preferred a Revision Petition before the Commissioner of Survey, Settlement and Land Records, against the very same order dated 18.7.1996, impugned in this writ petition, which is pending.

I have heard the learned counsel for the petitioners and learned Government Pleader appearing for the respondents.

It is to be noted that the affidavit filed in support of the writ petition is absolutely silent about the date of death of the father of petitioners 1 and 3. There is also no material to show that they acquired right and title in respect of the land in question prior to the impugned order. Hence, I do not find any substance in the contention that the impugned order which was passed without notice to the petitioners is illegal.

Consequently, the petitioners cannot be held to be aggrieved persons and they have no *locus standi* to maintain this writ petition.

The writ petition is misconceived and the same is accordingly dismissed. No costs.

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(G. ROHINI, J.)

12th March, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.12981 OF 1998

12th March, 2007.

Between:

Akkineni Anantha Satyavathi and others. ..

Petitioners.

And

The Director of Settlements,
Nampally, Hyderabad and others. .. Respondents.